



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DOW Sep-09

Paper No. ____

POLSTER, LIEDER,
WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE/SUITE 200
ST. LOUIS MO 63131-3615

COPY MAILED

SEP 11 2009

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,789,462 :
Issue Date: 14 September, 2004 :
Application Number: 10/603,312 :
Filing Date: 24 June, 2003 :
Attorney Docket No.: HAMM 8409U1 :

This is a decision on the petition filed on 10 November, 2008, properly treated as a petition pursuant to 37 C.F.R. §1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

NOTE:

Petitioners always are reminded that that they should ensure that a proper Maintenance Fee Address Notice is filed in connection with issued patents.

BACKGROUND

Patent No. 6,789,462 (the '462 patent) issued on 14 September, 2004. The first maintenance fee could have been paid during the period from 14 September, 2007, through 14 March, 2008, or, with a surcharge, during the period from 15 March, 2008, through 14 September, 2008. Accordingly, the patent expired after midnight 14 September, 2008, for failure to pay timely the first maintenance fee.

The petition was filed on 10 November, 2008. Because the instant petition was submitted within twenty-four months after the six-month grace period provided in 37 C.F.R. §1.362(e), the petition was timely filed under the provisions of 37 C.F.R. §1.378(c).

The petition pursuant to 37 C.F.R. §1.378(c) is **GRANTED**.

Patent No. 6,789,462
Application Number: 10/603,312

The maintenance fee is hereby accepted—the appropriate fees were submitted *via* check—and the above-identified patent is reinstated as of the mail date of this decision.

The patent file is being returned to IFW Files Repository.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.